

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 06-00298- 06-CR-W-ODS

GREGORY ESQUIVEL,

Defendant.

MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE

PENDING CHARGES: On October 19, 2006, the Grand Jury returned a forty-count superseding indictment against defendants Francisco Felix-Moya, Guadalupe Melecio-Lopez, Elisa Bustamante, Eduardo Flores, Noah Salas, Gregory A. Esquivel, Jeffrey W. Singleton, Frank T. Hostetter, Pedro O. Montoya, Steven R. Dagnino, David A. Strain, Jeremy D. Anders, Troy M. Barney, Richard P. Abubo, Elisa Salas-Barraza, Aqua L. Prince, Dudley E. Cramer, Enrique V. Orquiz-Martinez, Brian E. Castroconde-de Leon, and Victoria E. Ramos. The superseding indictment charges defendants with conspiracy to distribute methamphetamine, cocaine and marijuana; with the distribution of methamphetamine and marijuana; and with possession with intent to distribute methamphetamine. The superseding indictment also charges defendants in various counts with using and carrying firearms during and in relation to a drug trafficking crime; with being an unlawful user of methamphetamine in possession of a firearm; with use of a telephone to facilitate the distribution of methamphetamine and marijuana; and with maintaining a place for the purpose of distributing, manufacturing or using methamphetamine. The superseding indictment also seeks forfeiture of property. With the exception of Mr. Esquivel, all of the defendants have either plead or have scheduled changes of plea.

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Joe Marquez

Case Agent: Eric McAlister of ATF

Defense: Michael Huffman for defendant Esquivel

OUTSTANDING MOTIONS: The undersigned has prepared a Report and Recommendation (doc. # 388) with respect to the Pro Se Motion to Suppress and Supplemental Motion to Suppress Evidence (doc. # # 343 and 346). The District Court's ruling on this motion is pending.

TRIAL WITNESSES:

Government: 13 with stipulations; 15 without stipulations
Defendants: 2 witnesses, defendant Esquivel may testify

TRIAL EXHIBITS

Government: 50 exhibits
Defendant: 10 exhibits for defendants

DEFENSES: General Denial

POSSIBLE DISPOSITION:

(**X**) Definitely for trial as to defendants Esquivel;

TRIAL TIME: 3 days

Government's case including jury selection: 2 ½ -3 days
Defense case: a couple of hours at most

STIPULATIONS: The government has proposed stipulations to chain of custody and 4-5 chemist reports.

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit List-

Government: To file list by February 28, 2008
Defense: To file by March 3, 2008

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday March 12, 2008

Please Note: Jury instructions must comply with Local Rule 51.1

TRIAL SETTING: Criminal jury trial docket commencing March 17, 2008

IT IS SO ORDERED.

/s/ Sarah W. Hays

SARAH W. HAYS

UNITED STATES MAGISTRATE JUDGE